

REMARKS/ARGUMENTS

Claims 1-10 were examined. All claims have been rejected for Double Patenting and over certain new art rejections stated in the Office Action. Reexamination and reconsideration of the claims are respectfully requested in view of the following comments.

As an initial matter, the applicants note that the previously submitted Terminal Disclaimer was signed by the Attorney of Record. It is believed to comply fully with 37 CFR 1.321(b) even though the person who signed it in fact has no interest in the patent. The Terminal Disclaimer does clearly indicate that it is being signed by the Attorney of Record as permitted by the Rules.

Thus, it is respectfully requested that the continuing rejection for Double Patenting be withdrawn.

Claims 1-10 were also rejected as being obvious over the combination of the teachings of Deasy '211 in view of Myers '795. Such rejections are respectfully traversed.

Applicants agree with the Examiner's characterization of Deasy, at least to an extent. Deasy discloses an elastic body suit intended for, among other things, treatment of edema. Perhaps the most pertinent to the present application, Deasy describes regions of the suit where an upper sleeve partially overlaps with a lower sleeve. For example, referring to Figs 1, 4, and 5, it can be seen that the "coat-like portion 16" of the suit has sleeves 46 which overlap at the elbows with the "tubular arm portions 18" of the suit. Similarly, referring to Figs 1, 2, and 3, the "leg segments 22" of the "pant-like portion 12" of the suit overlap with "tubular leg portions 14" at the knees. There is thus a region of the body suit where a first "sleeve" and a second "sleeve" overlap.

The manner in which the sleeves overlap, however, is simply not as required by either independent claim 1 or 5, the only independent claims in the present application. Independent claim 1 specifically requires that the second sleeve be configured "to be slid over substantially the entire length of the first sleeve and to apply additional inward pressure along the length of the limb."

In Deasy, regardless of which sleeve is considered first or the second, neither sleeve is adapted to be placed "over substantially the entire length of" the other sleeve in order to apply pressure "along the length of the limb." In the case of the arm sleeves, Deasy shows such overlap only at the elbow. In the case of the pant legs, such overlap is only in the region of the knee.

Nor does Deasy recognize that it is desirable for inner and outer sleeves to combine the inward pressure they place on the limb. Instead, use of the separate arm and leg component seems to be a convenient way of allowing the user to put on and take off the suit, not in any way intended to enhance the treatment or increase pressure.

Even if one were to assume, for the sake of argument only, that Deasy taught the use of first and second sleeves generally as set forth in the present application, the Examiner's reliance on Myers to combine with a "foam lining" (claim 1) or "an innermost therapeutic pressure sleeve ... having ridges formed over an inner surface" (claim 5) is inappropriate. As discussed extensively in the prior office action, Myers describes an elastic bandage whose purpose is to conform to a limb and provide an "outer surface smooth and free from irregularities." Lines 79 and 80. The purpose of the bandage is to "provide localized compression" (lines 63 and 64) or "provide localized treatment" (lines 57 and 58) of certain body parts. This is done by providing "outer encircling bands [for] which may either be integral or separately applied in order to give greater compression than the bandage alone at any desired point. See lines 42-46 of the specification. Indeed, the function of the Myers bandage is likened to a "tourniquet" (line 64), a purpose antithetical to that of the present invention and to that of Deasy '211.

As is well known to the Examiner, an obviousness rejection requires not only that the prior art teach each and every element set forth in the claims, but also that there be some motivation present in the references or in the general knowledge within the art to combine the reference teachings. Applicants believe that the present rejection meets neither of these requirements. None of the cited art teaches the requirement that first and second sleeves be configured so that a second sleeve slides "over substantially the entire length of the first sleeve

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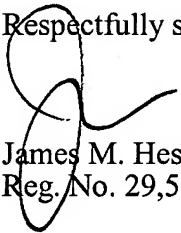
and to apply additional inward pressure on the length of the limb." Moreover, the Examiner has pointed to no motivation for combining the teachings of Myers et al. with those of Deasy et al., and indeed no such motivation exists.

CONCLUSION

In view of the above remarks, Applicants believe that all pending claims are in condition for allowance and request that the application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,


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